

**25 UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

**U.S. Bank Trust, N.A., as Trustee for LSF9
Master Participation Trust**

Plaintiff

vs.

Jeffrey W. Kelley and Erin M. Kelley

Defendants

**Northeast Bank
The Bank of New York Mellon f/k/a The
Bank of New York, as the Trustee for the
Benefit of the Certificateholders of the
CWHEQ, Inc. Home Equity Loan Asset-
Backed Certificates, Series 2006-S2**

Parties-In-Interest

CIVIL ACTION NO: 2:19-cv-00208-JAW

RE:

36 Middle Jam Road, Gorham, ME 04038

Mortgage:

October 4, 2005

Book 23263, Page 202

JUDGMENT OF FORECLOSURE AND SALE

Address: 36 Middle Jam Road, Gorham, ME 04038

Mortgage: October 4, 2005, Book: 23263, Page: 202

(Property is Vacant)

This matter came before the Court pursuant to the Default entered on April 1, 2020 against each of the named Defendants and Party-in-Interest, Northeast Bank [ECF 40], Fed.R.Civ. P.55(b), this Court's Procedural Order dated May 5, 2020 [ECF 42], and the General Orders in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in accordance with the *Pandemic/Infectious Disease Plan for the United States District Court for the District of Maine*. (March 2020). Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust ("U.S. Bank"), was represented by John A. Doonan, Esq. None of the Defendants nor the Party-in-Interest, Northeast Bank, appeared or opposed Plaintiff's Motion for Default Judgment of Foreclosure and Sale and

Party-In-Interest, The Bank of New York Mellon f/k/a The Bank of New York, as the Trustee for the Benefit of the Certificateholders of the CWHEQ, Inc. Home Equity Loan Asset-Backed Certificates, Series 2006-S2, has consented to entry of Judgment of Foreclosure and Sale pursuant to the executed Consent Judgment of Foreclosure and Sale, which is being filed herewith.

All persons interested having been duly notified in accordance with the law, and after consideration of the Affidavits with supporting documentary evidence and Memorandum of Law in Support of Plaintiff's Motion for Default Judgment on Documentary Evidence, the Plaintiff's Motion for Default Judgment on Count I Foreclosure and Sale is **GRANTED**. Count II- Equitable Mortgage is hereby **DISMISSED** without prejudice at the request of the Plaintiff.

JUDGMENT on Count I – Foreclosure and Sale is hereby **ENTERED** as follows:

1. If the Defendants or their heirs or assigns pay U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust ("U.S. Bank") the amount adjudged due and owing as of August 3, 2020 (attorney's fees and deficiency are waived)(\$335,099.73) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, U.S. Bank shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing as of August 3, 2020:

Description	Amount
Principal Balance	\$187,224.93
Interest	\$131,706.67
Escrow/Impound Required	\$16,168.13
Grand Total	\$335,099.73

2. If the Defendants or their heirs or assigns do not pay U.S. Bank the amount adjudged due and owing (\$335,099.73) within 90 days of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, their remaining rights to possession of

the Gorham Property shall terminate, and U.S. Bank shall conduct a public sale of the Gorham Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds, first to itself in the amount of \$335,099.73 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 5 of this Judgment, and in accordance with 14 M.R.S.A. § 6324. U.S. Bank may not seek a deficiency judgment against the Defendants pursuant to the Plaintiff's waiver of deficiency in its Motion.

3. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal
4. The amount due and owing is \$335,099.73 as of August 3, 2020.
5. The priority of interests is as follows:
 - U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust has first priority, in the amount of \$335,099.73, pursuant to the subject Note and Mortgage.
 - The Bank of New York Mellon f/k/a The Bank of New York, as the Trustee for the Benefit of the Certificateholders of the CWHEQ, Inc. Home Equity Loan Asset-Backed Certificates, Series 2006-S2 who has second priority behind the Plaintiff, as a result of Northeast Bank being defaulted and thus losing its second priority, pursuant to a Mortgage to Countrywide Bank, N.A. in the amount of \$35,000.00 dated March 10, 2006, and recorded in the Cumberland County Registry of Deeds on March 27, 2006 in **Book 23789, Page 175**. As of November 12, 2019, the outstanding amount owed to said Party is \$54,936.57 with additional interest accruing pursuant to the Note and Mortgage.
 - Northeast Bank, who has been defaulted.
 - Jeffrey W. Kelley and Erin M. Kelley, who have been defaulted.

6. The pre-judgment interest rate is 6.25%, see 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 8.59%, see 14 M.R.S.A. § 1602-C.
7. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust 13801 Wireless Way Oklahoma City, OK 73134	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 225D Beverly, MA 01915
DEFENDANT		
	Erin M. Kelley 40 Haven Road Windham, ME 04062	Defaulted
	Jeffrey W. Kelley 257 Wadleigh Pond Road Lyman, ME 04002	Defaulted
PARTIES-IN-INTEREST		
	Northeast Bank 500 Canal Street Lewiston, ME 04240	Defaulted
	The Bank of New York Mellon FKA The Bank of New York, as the Trustee for the Benefit of the Certificateholders of the CWHEQ Inc., Home Equity Loan Asset-Backed Certificates, Series 2006-S2 C/O BAC, M/C: CA6-914-01- 43 1800 Tapo Canyon Road Simi Valley, CA 93063	James M. Garnet, Esq. BROCK & SCOTT, PLLC 1080 Main Street, Suite 200 Pawtucket, RI 02860

- a) The docket number of this case is 2:19-cv-00208-JAW.

- b) All parties to these proceedings received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 36 Middle Jam Road, Gorham, ME 04038 is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 36 Middle Jam Road, Gorham, ME 04038. The Mortgage was executed by the Defendants, Jeffrey W. Kelley and Erin M. Kelley, on October 4, 2005. The book and page number of the Mortgage in the Cumberland County Registry of Deeds is Book 23263, Page 202.
- e) This Judgment shall not create any personal liability on the part of the Defendants due to their Chapter 7 bankruptcy discharge, but shall act solely as an *in rem* judgment against the property, 36 Middle Jam Road, Gorham, ME 04038.

SO ORDERED.

DATED THIS 4th DAY OF September, 2020

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE